

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

In re Flagstar December 2021 Data Security  
Incident Litigation

Case No. 4:22-cv-11385

Hon. Shalina D. Kumar  
Magistrate Judge Kimberly G. Altman

**AGREED MOTION TO CONSOLIDATE CASES**

Defendants Flagstar Bank, FSB and Flagstar Bancorp, Inc., pursuant to Federal Rule of Civil Procedure 42(a) and Local Rule 42.1, move the Court for an order consolidating this case with *Saravenaz Safai, et al. v. Flagstar Bancorp Inc., et al.*, No. 4:23-cv-10241, transferred to this district on January 31, 2023 and pending before this Court.

Federal Rule of Civil Procedure 42(a) provides that “[i]f actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.” Local Rule 42.1 provides that “[a] party seeking to consolidate cases under Federal Rule of Civil Procedure 42(a) must: (1) file a motion in the case with the earliest case number; and (2) file a notice of the motion in each related case.” § (a). “The district judge presiding in the earliest numbered case will decide the motion.” *Id.* § (b).

On June 22, 2022, Plaintiff Angus initiated this earliest numbered case against Defendant Flagstar Bank, FSB, alleging claims arising from a data breach on behalf of individuals whose information was impacted by the data breach. (Dkt. 1). On December 19, 2022, this Court consolidated *Angus v. Flagstar Bank, FSB*, No. 4:22-cv-11385 with eighteen later-filed related

cases and captioned the consolidated action *In re Flagstar December 2021 Data Security Incident Litigation*, No. 4:22-cv-11385 (the “Consolidated Action”).

Plaintiff Sarvenaz Safai first filed her complaint in the Superior Court of the State of California for the County of Orange on June 27, 2022, five days after Plaintiff Angus filed his complaint in the Eastern District of Michigan. Ex. A. Defendants Flagstar Bancorp, Inc. and Flagstar Bank, FSB removed the case to the United States District Court for the Central District of California on January 26, 2023. Ex. B. On January 30, 2023, Judge Carter of the Central District of California ordered the action transferred to the Eastern District of Michigan based on the parties’ joint stipulation and good cause. Ex. C. The action was transferred on January 31, 2022, Ex. D, and soon thereafter reassigned to this Court as a companion case to the Consolidated Action, Ex. E.

The later-filed *Sarvenaz Safai, et al. v. Flagstar Bancorp, Inc. et al.*, 4:23-cv-10241 raises common questions of law and fact as this Consolidated Action as it arises from the same data breach and asserts similar claims on behalf of individuals whose information was impacted by the data breach.

Defendants’ counsel communicated with Plaintiff Sarvenaz Safai’s counsel and the parties are in agreement that *Safai*, 4:23-cv-10241 should be consolidated with the Consolidated Action.

As required by Local Rule 42.1, Defendants’ counsel will, contemporaneously with filing this motion, file a notice of the motion in *Safai*, 4:23-cv-10241.

WHEREFORE, Defendants respectfully request that the Court enter an order consolidating this case with *Safai*, 4:23-cv-10241.

Dated: February 17, 2023

Respectfully submitted,

/s/ William Ridgway  
William Ridgway  
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**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that on February 17, 2023, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system.

/s/ *William Ridgway*

William Ridgway